Page 1

IAPA Rec'd PCT/PTO 28 FEB 2006

ED STATES PATENT AND TRADEMARK OFFICE

off D. Edmondson, et al. Applicants:

Serial No.

10/558.93

Filed:

November 30, 2005

For: FUSED INDOLES AS DIPEPTIDYL PEPTIDASE

INHIBITORS FOR THE TREATMENT OR

PREVENTION OF DIABETES

Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Art Unit: To Be Assigned

Examiner: To Be Assigned

INFORMATION DISCLOSURE STATEMENT **UNDER 37 CFR 1.97**

Sir:

- 1. In compliance with 37 C.F.R. 1.97, submitted on the attached form herewith is a list of patents, publications or other information which are requested to be made of record in this application. This Information Disclosure Statement is not an admission that any patent, publication or other information referred to herein is "prior art" for this invention. In accordance with 37 C.F.R. 1.97(h), the filing of this Information Disclosure Statement shall not be construed to be an admission that the information cited in the Statement is, or is considered to be, material to patentability as defined in the Statement is, or is considered to be, material to patentability as defined in the Statement is, or is considered to be, material to patentability as defined in the Statement is, or is considered to be, material to patentability as defined in the Statement is, or is considered to be, material to patentability as defined in the Statement is, or is considered to be, material to patentability as defined in the Statement is, or is considered to be, material to patentability as defined in the Statement is a statement in the Statement in the Statement is a statement in the Stateme in 37 C.F.R. 1.56(b).
- 2. In accordance with 37 C.F.R. 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made.
- Applicants respectfully request that the Examiner initial the attached form after reviewing the pertinence of each reference.
- Pursuant to 37 C.F.R. 1.98 (a)(2)(ii), copies of each cited U.S. patent and each U.S. patent application publication are not enclosed herewith.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on the date appearing below.

MERCK & CO., INC.

INFORMATION DISCLOSURE STATEMENT

5. Pursuant to 37 C.F.R. 1.98(d), copies of references listed on the attached form that were submitted to or cited by the Office in a related application upon which the instant application relies for an earlier filing date under 35 U.S.C. 120 are not enclosed. Related application(s) in which references were submitted to or cited by the Office are as follows:

	RELATED APPLICATION			
U. S. SERIAL NUMBER	FILING DATE	MERCK CASE		
10/540,283	June 20, 2005	21304YP		
10/537,476	June 3, 2005	21288YP		
10/530,215	April 4, 2005	21239YP		
10/542,694	July 19, 2005	21329YP		
10/556,805	November 14, 2005	21404P		

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If th	nis is inconvenient, additional copies will be submitted upon request	•							
	6. In accordance with 37 C.F.R. 1.97, (check one)								
$\sqrt{}$	the attached information is filed within three months of the filing date	te of the captioned case.							
	the attached information is filed more than three months after the filed office Action on the merits.	iling date but prior to the ma	ailing of a first						
	the attached information is filed before the mailing of a first Office a examination under §1.114.	action after the filing of a re	quest for continued						
	the attached information is being filed more than three months after the filing date and after the mailing of a first Office Action on the merits, but before the mailing date of a Final Action, Notice of Allowance, or an action that otherwise closes prosecution in the application. The enclosed authorization is therefore given to charge Deposit Account No. 13-2755 for the fee required under 37 C.F.R. 1.17(p).								
	each item of information contained in this Information Disclosure S from a foreign patent office in a counterpart foreign application not Statement.								
	each item of information contained in the information disclosure state a foreign patent office in a counterpart application and this communication of the designated in §1.56(c) more than thirty days prior to the filing of the	nication was not received b	y any individual						
	no item of information contained in this Information Disclosure State foreign patent office in a counterpart foreign application, and, to the after making reasonable inquiry, was known to any individual design on the filing of this Statement.	knowledge of the person :	signing the certification						
		Respectfully submitted,	Quetto						
		By: Philippe L. Durette	, .						
		Attorney For Appl	icant(s)						
		Reg. No. <u>35,125</u> MERCK & CO., INC.	_ _						
		Patent Dept., RY60-30							
		P.O. Box 2000	,						
		Rahway, N.J. 07065-0907 (732)594-4568							
		Date: February 16, 2006							

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Su	ubstitute for form 1449A/PTO				COMPLETE IF KNOWN	
I	NFORMATION	DIS	CLOSURE	Application Number	10/558,931	
	TATEMENT BY			Filing Date	November 30, 2005	
3	1 :		PLICANI	First Named Inventor	Scott D. Edmondson, et al.	
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Sheet	1	of	5	Attorney Docket Number	21431P	

			U.S. PA	TENT DOCUMENTS	
Examiner Initials*	Cite No.	U.S. Patent Document Number	Kind Code (if known)	Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY
	1	6,699,871 B2		Edmondson et al.	03/02/2004
	2	6,011,155		Villhauer	01/04/2000
	3	6,166,063		Villhauer	12/26/2000
	4	5,939,560		Jenkins et al.	08/17/1999
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	6	6,432,969 B1		Villhauer	08/13/2002
	7	4,386,090		Moinet et al	05/31/1983
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Examiner Initials*	Cite No.	Foreign Patent Document Office Number		Kind Code (if known)	Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY		
	8	PCT	WO 03/082817 A2		MERCK & CO., INC.	10/09/2003		
	9	PCT	WO 03/000180 A2		MERCK & CO., INC.	01/03/2003		
	10	PCT	WO 03/000181 A2		MERCK & CO., INC.	01/03/2003		
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	16	PCT	WO 2004/058266 A1		MERCK & CO., INC.	07/15/2004		
	17	PCT	WO 2004/064778 A2		MERCK & CO., INC.	08/05/2004		

Examiner Signature

Date Considered

*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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			FOREIG	N PATEN	T DOCUMENTS		
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	18	PCT	WO 2004/069162 A2		MERCK & CO., INC.	08/19/2004	
	19	PCT	WO 02/02560 A2		NOVO NORDISK A/S	01/10/2002	
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_	23	РСТ	WO 00/34241		NOVARTIS AG	06/15/2000	
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	25	PCT	WO 98/19998 A3		NOVARTIS AG	05/14/1998	
	26	PCT	WO 97/40832		Hansknoll-Institut Fur Naturstoff-Forschung E.V.	11/06/1997	
	27	PCT	WO 03/000180 A3		MERCK & CO., INC.	01/03/2003	

Examiner Signature	Date Considered	
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^{*}Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

SEND TO: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450. Computer generated form * IDS Form* (IDS Folder), Merck & Co., Inc., -7/12/2005

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	FOREIGN PATENT DOCUMENTS										
F			Foreign Patent Documen	t	N. C.	Date of Publication of					
Examiner Initials*	Cite No.	Office	Number	Kind Code (if known)	Name of Patentee or Applicant of Cited Document	Cited Document MM-DD-YYYY					
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	30	РСТ	WO 2004/043940		MERCK & CO., INC.	05/27/2004					
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Examiner Signature Date Considered

^{*}Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

	Substitute for form 1449A/PTO			COMPLETE IF KNOWN			
	INFORMATION	DISC	CLOSURE	Application Number	10/558,931		
				Filing Date	November 30, 2005		
!	STATEMENT BY APPLICANT			First Named Inventor	Scott D. Edmondson, et al.		
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Sheet	4	of	5	Attorney Docket Number	21431P		

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			FOREI	GN PATEN	T DOCUMENTS	
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	38	PCT	WO 2005/056003	(if known) A1	GRAFFINITY PHARMACEUTICALS AG	
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Examiner Signature Date Considered

Substitute for form 14498/PTO		COMPLETE IF KNOWN			
	INFORMATION DISCLOSURE			Application Number	10/558,931
c		Filing Date	November 30, 2006		
3	STATEMENT BY APPLICANT			First Named Inventor	Scott D. Edmondson, et al.
				Group Art Unit	
(use as many sheets as necessary)		Examiner Name			
Sheet	5	of	5	Attorney Docket Number	21431P

		NON PATENT LITERATURE DOCUMENTS
Examiner Initials*	Cite No.	Include name of the author, title, date, page(s), volume-issue number(s) and place of publication.
	43	J. J. Holst, "Treatment of Type 2 Diabetes Mellitus with Agonists of the GLP-1 Receptor or DPP-IV Inhibitors", Expert Opin. Emerg. Drugs, Vol. 9(1) pp. 155-166(2004).
	44	C. F. Deacon, et al., "Inhibitors of dipeptidyl peptidase IV: A Novel Approach for the Prevention and Treatment of Type 2 Diabetes?", Expert Opin. Investig. Drugs, Vol. 13(9) pp. 1091-1102(2004).
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	48	T. P. Vahl & D. A. D'Alessio, "Gut peptides in the treatment of diabetes mellitus" Exp. Opin. Invest. Drugs, Vol. 13, pp. 177-188 (2004).
	49	L. B. Knudsen, "Glucagon-like peptide-1: The Basis of a New Class of Treatment for Type 2 Diabetes", J. Med. Chem, Vol. 47, pp. 4128-4134 (2004).
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	51	J. J. Holst and C. F. Deacon, "Glucagon-like peptide 1 and inhibitors of dipeptidyl peptidase IV in the treatment of type 2 diabetes mellitus", Curr. Opin Pharmacology, Vol. 4, pp. 589-596 (2004).
	52	C. F. Deacon, "Perspectives in Diabetes - Therapeutic Strategies Based on Glucagon-Like Peptide 1", Diabetes, Vol. 53, pp. 2181-2189 (2004).
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	54	Hans-Ulrich Demuth, et al., " Type 2 diabetes - Therapy with dipetidyl peptidase IV inhibitors", Biochimica et Biophysica Acta, Vol. 1751, pp., 33-44 (2005).
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